No new matter has been added by the above amendment. Claims 11-18 are now pending in the application.

REMARKS

The present invention is drawn to novel compounds, having a particular utility for treating or preventing Tachykinin-mediated diseases.

The rejections of Claims 1-3 and 6-10 under 35 U.S.C. § 102(a) as anticipated by, and of Claims 4 and 5 under 35 U.S.C. § 103(a) as unpatentable over, WO 98/57954 (Miyake et al), are respectfully traversed. In the compounds of Miyake et al, R^2 is aryl or indolyl, each of which may have a substituent. However, Miyake et al discloses no compounds wherein R^2 is phenyl substituted with two substituents, wherein at least one of the substituents is hydroxy. Regarding original Claims 4 and 5, the Examiner has relied on the pyridyl species disclosed in Miyake et al. Such species have been omitted from the new claims.

For all the above reasons, it is respectfully requested that the rejections over Miyake et al be withdrawn.

The rejections of Claims 1-3 and 5-10 under 35 U.S.C. § 102(b) as anticipated by, and of Claim 4 under 35 U.S.C. § 103(a) as unpatentable over, WO 97/22597 (WO Matsuo et al), are respectfully traversed. Like Miyake et al, above, WO Matsuo et al does not disclose any compounds wherein R^2 is phenyl substituted with two substituents, wherein at least one of the substituents is hydroxy. The Examiner appears to rely on the compounds of Examples 81 and 87 of WO Matsuo et al as the closest prior art, which compounds contain a dimethyl-substituted benzyl ring, while the present invention is inclusive of a methyl-, hydroxy-substituted benzyl ring. In reply, **attached herewith** is the results of a comparison of the capability of h-NH_1 receptor binding between the compound of present Claim 18, and the

compound of Example 81 of WO Matsuo et al. The binding capability of the representative compound of the present invention is more than 5 times (5.6 times) as strong as that of the compound of said Example 81. Clearly, one skilled in the art could not have predicted this significant difference from the disclosure of WO Matsuo et al.

For all the above reasons, it is respectfully requested that the rejections over WO Matsuo et al be withdrawn.

The rejection of Claims 1 and 5-10 under 35 U.S.C. § 102(b) as anticipated by EP 0655442 (EP Matsuo et al), is respectfully traversed. The rejection is now moot in view of the incorporation of Claim 2, further limited, into Claim 1, in effect with new Claim 11. Accordingly, it is respectfully requested that this rejection be withdrawn.

The rejections of Claims 1-10 under the judicially-created doctrine of obviousness-type double patenting over the claims of any one of commonly-assigned U.S. 6,087,357, copending Application No. 09/899,942, and copending Application No. 09/446,145, are respectfully traversed. Applicants respectfully submit that the present claims are not rendered obvious by any of the claimed subject matter of the above commonly-assigned patent and copending applications. Accordingly, it is respectfully requested that these rejections be withdrawn.

Regarding the above-identified commonly-assigned patent and copending applications, the subject matter claimed in each, and the claimed invention, were, at the time the claimed invention was made, commonly owned.

The rejection of Claims 7, 9 and 10 under 35 U.S.C. § 101 is respectfully traversed as moot, in view of the above-discussed amendment. Accordingly, it is respectfully requested that it be withdrawn.

The rejection of Claims 2, 3 and 7-10 under 35 U.S.C. § 112, second paragraph, is respectfully traversed. Indeed, the rejection is now moot in view of the above-discussed amendment. Accordingly, it is respectfully requested that it be withdrawn.

Applicants respectfully traverse the Examiner's finding that the application does not contain an Abstract. It appears that the Abstract as filed may have been misplaced in the official PTO file. Nevertheless, **submitted herewith** is a copy of page 241, which is the Abstract filed with the present application.

All of the presently-pending claims in this application are now believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Respectfully submitted,

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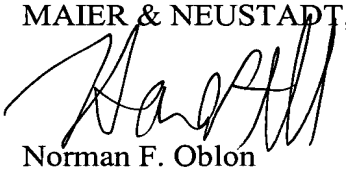
MAIER & NEUSTADT, P.C.



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Serial No: 09/857,869
Amendment Filed on:
Herewith

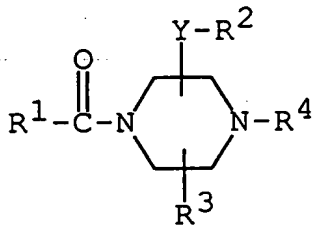
IN THE CLAIMS

Claims 1-10 (Cancelled).

Claims 11-18 (New).

A B S T R A C T

This invention relates to piperazine derivatives of the formula :



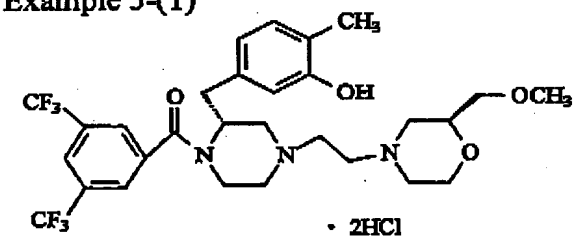
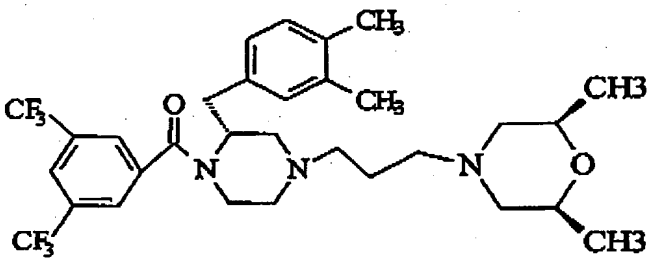
wherein each symbol is as defined in the description, and its pharmaceutically acceptable salt, to processes for preparation thereof, to pharmaceutical composition comprising the same, and to a use of the same for treating or preventing Tachykinin-mediated diseases in human being or animals.

Attachment

Comparison between a representative compound (Example 5-(1))
of the present invention and Example 81 selected by the Examiner in WO ' 597 .
as their capability of a h-NH_1 receptor binding

Test method: the same as the test method described in the present application, pages 24 –26

Test Results

	Test Compounds	Capability of h-NH_1 receptor binding IC_{50}
Present application	Example 5-(1)  · 2HCl	0.88 × 10^{-9} M
WO ' 597	Example 81  · 2HCl	4.89 × 10^{-9} M